

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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STEPHEN BAIN,

Plaintiff,  
-against-

THE CITY OF NEW YORK, THE NEW  
YORK CITY POLICE DEPARTMENT,  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD,  
LONG ISLAND RAILROAD POLICE  
DEPARTMENT, PO ROBERT  
ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES"  
(names not know and fictitious)- POLICE  
OFFICER,

Defendants.

-----X

Defendants, METROPOLITAN TRANSPORTATION AUTHORITY,  
METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT,  
LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO  
DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) -  
Police Officers by their attorneys LEWIS JOHS AVALLONE AVILES, LLP., respond to  
plaintiff's first set of interrogatories dated January 18, 2008 as follows:

1. NYC EMT Wallace, ID# 6943NYC EMT Ramos, NYC PD Sargent  
Gaudino, Shield No.: 744, NYC PD P.O. Perez, Field #2060, NYC PD P.O. Wendler,  
Shield No.: 2802, MTA Police Officer McDade, Shield No.: 2020; MTA Police Officer

**MTA DEFENDANTS'  
RESPONSES TO  
PLAINTIFF'S FIRST  
SET OF  
INTERROGATORIES**

07cv8021 (VM)

P.O. Aronson, Shield No.: 2300; MTA Police Officer Interdonati, Shield No.: 2481; MTA P.O. Tully, Shield No.: 2090; MTA Police Officer Smith, Shield No.: 2565; MTA Police Officer Prego, Shield No.: 2280; MTA Police Sargent Dittrich, Patrol Supervisor, Shield 393; MTA Police Sargent Smith, Patrol Supervisor, Shield 303; MTA Police Lieutenant Nutter, Patrol Supervisor, Shield No. 12.

2. There is no Civilian Complaint Review Board for the MTA Police Department.

3. Amtrak Inspector Shashde, Dominick Tursi-Civilian, FDNY EMS Investigator Captain Monte Fielder, Jessica Kovak, Administrator Director of NYU Medical Center. Don Cardone, Director of Quality Assurance for Transcare, EMT Jonathan Wallace, MTA Police Sargent Dittrich, MTA Officer Tully, MTA Police Sargent Smith, MTA Police Officer Interdonati; MTA Police Officer Smith; MTA Police Officer Prego; MTA Police Officer Aronson, MTA Police Officer McDade; Stephen Bain; NYPD ESU Sargent Gaudino.

4. See response to Number 2.

5. See responses to Document Request containing these items.

6. EMT Jonathan Wallace - Transcare. EMT Ramos-Transcare. NYPD ESU Sargent Guadin, NYPD Police Officer Perez.

7. See documents exchanged on document request.

8. See MTA police records previously exchanged.

9. Determinations are being made with regard to the personnel of the MTA Police Department who exercised and/or were responsible for making command decisions

regarding the occurrence which is the subject matter of this action. Responses will be forthcoming once they are received.

10. No member of the MTA Police Department was disciplined as a result of this matter.

11. See Document Responses previously exchanged.

12. See Document Responses previously exchanged.

13-20. See Document Responses previously exchanged.

Dated: Riverhead, New York  
April 2, 2008

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP  
Attorneys for Defendants  
METROPOLITAN TRANSPORTATION  
AUTHORITY, METROPOLITAN  
TRANSPORTATION AUTHORITY POLICE  
DEPARTMENT, LONG ISLAND RAILROAD d/b/a  
MTA LONG ISLAND RAILROAD, LONG ISLAND  
RAILROAD POLICE DEPARTMENT, PO  
ROBERT ARONSON - shield 02300, PO DANIEL  
MCDADE - shield 2020, and "JOHN DOES" (names  
not known and fictitious) -  
21 East Second Street  
Riverhead, New York 11901  
631.369.7600

By: 

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES  
Attorneys for Plaintiff  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

Office of the Corporation Counsel of the City of New York  
Law Department  
100 Church Street, Room 3-199  
New York, New York 10007  
Att: Caroline L. Chen, Esq.

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK )

VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.


That on the 3<sup>rd</sup> day of April, 2008, deponent served the within **MTA DEFENDANTS RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES** upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

JOSEPH T. MULLEN, JR. & ASSOCIATES  
30 Vesey Street, 15<sup>th</sup> Floor  
New York, New York 10007  
212.766.1177

Office of the Corporation Counsel of the City of New York  
Law Department  
100 Church Street, Room 3-199  
New York, New York 10007  
Att: Caroline L. Chen, Esq.

  
VERONICA C. McKENNA

Sworn to before me this  
3<sup>rd</sup> ay of April, 2008.

  
Lois A. Skula  
Notary Public, State of New York  
Registration No.: 4966255  
Qualified in Suffolk County  
Commission Expires :May 1, 2010

Lewis Johns Avallone Aviles, LLP  
**LEWIS JOHS**

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

Year 20

STEPHEN BAIN,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, METROPOLITAN  
 TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION POLICE  
 DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG  
 ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL  
 MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious)- POLICE OFFICERS,

Defendant.

**MTA DEFENDANTS' RESPONSES TO PLAINTIFF'S  
 FIRST SET OF INTERROGATORIES**

**LEWIS JOHS**

Lewis Johns Avallone Aviles, LLP

Counselors at Law

Attorneys for

Office and Post Office Address  
 21 East Second Street • Riverhead, NY 11901  
 631.369.7600 • Fax 631.369.7680  
 FILE #:

**CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a**

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ **NOTICE OF ENTRY**

that the within is a (certified) true copy of a  
 duly entered in the office of the clerk of the within named court on

20

☐ **NOTICE OF SETTLEMENT**

that an order  
 settlement to the HON.  
 of the within named court, at  
 on

of which the within is a true copy will be presented for  
 one of the judges

20

at

M.

Dated,

Yours, etc.

**LEWIS JOHS**